15.

THE PROCEEDINGS AT THE TRYAL OF Sr. Patience Ward Kt.

Upon an Information of *Mr- Attorny General* for Perjury who was Tryed at the *Kings Bench-Barr-Weſtminſter*, on the 19th of this Inſtant *May* 1683. Containing the moſt material Circumſtances according to Evidence &c,

Entered according to ORDER.

AN Information for *perjury* being preferred againſt Sir *Patience Ward* Knight, for that he Maliciouſly and wilfully perjured himſelf in the *Court of Kings-Bench*, upon the Tryal of *Thomas Pilkinton* Eſq; *&c.* the ſaid Sr. *Patience Ward*, pleaded not Guilty to the Information; and on the 19th. of this Inſtant *May*, 1683. took his Tryal accordingly. The moſt Material Proceedings being theſe.

After the Information was read, the Kings Council opened the matter in queſtion, alledging the heinouſneſs of the Fact, and of what dangerous Conſequence it might prove if it ſhould paſs unpuniſhed, for that it concerned the Nation in General, and might give Encouragement to greater miſchief if it ſhould be paſſed over, or to that effect; after which the Evidence for the King was called & ſworn; who depoſed upon Oath, that in the precedent Term at a Tryal between his Royal Highneſs *Plantif*, and *Thomas Pilkinton* defendant, upon an Action of *Scandalum Magnatum*, the ſaid Sr. *Patient Ward*, being a Witneſs for the Defendant did upon Oath depoſe that the ſaid *Thomas Pilkinton* was not preſent at the time the diſcourſe begun in Relation to his Royal Highneſs, and that afterwards coming to the Table, in the Matted Gallery, when he began to ſpeak of burning the City, he the ſaid Sr. *Patience Ward* clapped his hand on his Mouth or Breſt, and bid him Explain himſelf; demanding whether he meant not one *Hubert*, that fired the City, and was for the Fact Executed, and that many words lay'd in the Declaration, in the Action of *Scandalum Magnatum*, were not ſpoken by Mr. *Pilkinton* to the *Plantif*, *&c.* To this or the ſame Effect, Eight or Nine Witneſſes were ſworn, and the matter ſtrongly argued, and managed by Council. Divers Interrogatories being put & all doubtful matters amply Explained & lay'd open to the Conſideration of the Jurors, together with the Heineouſneſs of the ſin of Perjury; which did not only expoſe mens Fortunes and Reputations, but lives, to perpetual hazard and danger; the Council likewiſe put them in mind that the words lay'd in the Declaration were ſworn to by perſons of unſpotted

unſpotted Reputation and not only upon the Tryal of Mr. *Pilkington*, but even again in their hearing, and that they ought to have regard to the Poſſitive Evidence of Credible Affirmatives, for that they ſwore to what they had heard and retained in their memory, *&c.*

After the Kings Evidence had depoſed the matter of Fact at large, as was lay'd in the Information, the Evidence for the Defendant were called who were many in number, but the chief, one Mr. *Blanie* a Barriſter, who took the Tryal between his Royal Highneſs, and Mr. *Pilkington* in ſhort-hand Notes, who in Court produced the ſaid Notes, declaring that he had taken them true as to what they contained, to the beſt of his Judgment and that he had peruſed them and could not conceive any Error therein, as to what he had taken, but withal, declared that he could not be ſo poſſitive, but that he might omit ſome words, notwithſtanding he ſat in a place advantageous for his taking of the ſaid Notes, appealing to thoſe preſent, whether in his takeing ſeveral Tryals in that Court, and others, he had omitted any thing material, or falſyfied; againſt which ſome Objections were made. His Evidence as likewiſe that given by many of the Defendants Witneſſes was that the ſaid Defendant did not; atthe Tryal, between his Royal Highneſs and Mr. *Pilkington* to their memory ſware poſſitively to each particular charged againſt him, but that he depoſed, that as he believed, or to the beſt of his knowledg, or according to the beſt of his memory, or that he did not hear ſuch and ſuch words ſpoken; or that he was not poſſitive as to particulars; which was that which the Council for the *King* for the moſt part inſiſted on in the Interogatories or Queries put to the Defendants Evidence, who were not leſs then 12. or 13. ſo that after the Tryal had laſted for the ſpace of four hours, or thereabouts and the Witneſſes, with great diliberation, heard what they had to ſay. Firſt the Kings Council ſummed up, what had been repeated, declaring that the matter conſiſted of theſe points, *viz.* Whether the Defendant did ſwear poſitively at the Tryal between his Royal Highneſs & Mr. *Pilkington* to ſuch matters, aswere ſwore againſt him, or not: for Conformation that he did many worthy Gentlemen had depoſed it upon Oath, who were preſent at the ſame Tryal: that he only ſwore dubiouſly, ſome perſons had depoſed. Therefore if they believed the Kings Evidence they muſt find him Guilty, according to the Tenure of the Information.

After which the Council for the Defendant ſummed up the Evidence, & came to particulars, but above all alledged the Credit and Reputation of the perſon, in queſtion, arguing that he had born the chiefeſt Office in the City, and other great Places of Truſt, and that he could propoſe to himſelf no advantage by perjury in that Caſe neither did he by his giving Evidence prejudice, the Plantit a peny; for that he had his damages to the full, as they were lay'd in the Declaration, *&c.*

After which the Court gave the charge, & as ſoon as the Jury went out, roſe, leaving them to give a private Verdict to the Puiſne Judge: the matter being try'd upon an Information at Common Law. Some hours being ſpent in debate as is conceived, the Jury unanimouſly gave their Verdict that the Defendant was Guilty of the particulars mentioned in the Information which Virdict on *Munday* laſt was made Publick.

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